

**STUART BARASCH**  
California Bar #74108  
925 - 41<sup>ST</sup> Street  
Miami Beach, FL 33140  
(305) 673-8366  
(800) 445-2930  
Fax (213) 621-2536  
Email: [sblawoffice@aol.com](mailto:sblawoffice@aol.com)

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

DENISE M. THOMAS,

Plaintiff(s),

v.

JO ANNE B. BARNHART, Commissioner  
of Social Security,

Defendant(s).

CV-F 05-00334-LJO

Hon. Lawrence J. O'Neill  
United States Magistrate Judge

**MOTION TO DISMISS THE COMPLAINT;  
AND PROPOSED ORDER**

PLEASE TAKE NOTICE that Plaintiff Denise M. Thomas, through her attorney of record, petitions this Court to dismiss the complaint filed on March 11, 2005. The reason for this motion, is that after a thorough review of the administrative record, plaintiff's counsel has come to the conclusion that this action lacks merit. Plaintiff's has conferred with plaintiff, who has agreed to dismiss her complaint. Attached hereto as exhibit "A" is plaintiff's acknowledgment to dismiss.

Dated: September 23, 2005

Respectfully submitted,

S/ Stuart Barasch  
STUART BARASCH  
Attorney for Plaintiff

**ORDER**

On this date came on to be considered the Motion to Dismiss the Complaint. The Court is of the opinion that plaintiff's request should be **GRANTED**.

It is, therefore, **ORDERED** that plaintiff's complaint be dismissed.

IT IS SO ORDERED.

<u>Dated: September 23, 2005</u>	<u>/s/ Lawrence J. O'Neill</u>
<u>66h44d</u>	<u>UNITED STATES MAGISTRATE JUDGE</u>